

Copy to Mr. Thomas Nash, Chicago, Ill.

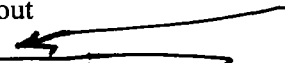


US EPA RECORDS CENTER REGION 5



466117

Goodyear Tire & Rubber Company
Attention: Neal Rountree, Esq.
1144 E. Market Street
Akron, OH 44316

Re: Your Reported Remarks at Chicago
Meeting of Prospective PRP's about
CRS Superfund Site (Elyria, OH) 

Certified U.S. Express 70993400000004343509

Dear Mr. Rountree:

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You will likely recognize my name since, after you left a couple of telephone messages in early May, I took your next call on May 10, 2001. Now having been out of my office since June 29, I have returned and am apprised of your rather unusual, apparently disparaging and ascerbic remarks made at a public meeting attended by at least 44 persons representing numerous companies held at Room 1200, John Marshall Law School, in Chicago on June 27, 2001.

Although I was unable to attend that meeting, but had previously responded timely to EPA's Counsel Mr. Thomas Nash (and in fact conversed with him), my understanding is that one topic discussed was a list of "Dirty Inventory" apparently coming from CRS records collected by the EPA. (Besides references I will make herein, it is our understanding that Mr. Nash did say during the meeting that this inventory contains several inaccuracies and flaws, which would tend to greatly undermine its overall reliability.)

In regard to that meeting, the above topic discussed, and reported remarks made wherein you were said to have pointedly referenced our Company and made it your purpose to connect inaccurate entries to us, there are several relevant issues. First, you should be aware that after talking with Mr. Nash on June 25, on June 26 we Faxed (followed by an overnight U.S. letter) to him our first response to a Ledger (marked Retyped...) as to its struck-through 10/13/78 entry opposite our name indicating 6,000 "Drs." of xylene. We had then begun to review the alleged records, forwarded from EPA in late May after we requested available information.

As I wrote on 6/26/01 to Mr. Nash, if the "6,000" entry is to be interpreted to mean "drums" this entry obviously is in error. It is inconceivable that Yenkin Majestic ever made a shipment of 6,000 *drums* (which would equate to 330,000 gallons) to the Site. All of the other entries for Yenkin Majestic are shown in gallons rather than drums, and the largest volume in any other Dirty Inventory entry for Yenkin Majestic is 6,000 *gallons*, facts previously known to you. Reference to CRS's purported invoice records makes clear that the 10/13/78 entry should have related to 6,000 gallons rather than drums.

The invoice for the above transaction, also dated 10/13/78, was shown in the amount of \$1,985. By comparison, the 1/30/80 invoice shown for Yenkin Majestic, which purportedly related to a shipment of 6,000 *gallons* on 1/22/80, was in the amount of \$2,400. Consequently, the 10/13/78 entry on the Dirty Inventory must have corresponded to 6,000 gallons rather than 6,000 drums. Otherwise, the listed invoice for the 10/13/78 shipment would have been many times more than that for the 1/22/80 shipment of "6,000 gallons." As Mr. Nash was said to note at the 6/27/01 meeting, the Dirty Inventory undoubtedly contains numerous other errors, which renders it unreliable and greatly limits its usefulness.

In our phone talk of 5/10/01 you had identified your Goodyear history as having previous experience with Superfund Sites and PRP's. You also told me you had not attended a "first PRP" Site meeting, but wanted to find as many "larger" participants as you could. You raised the (then unknown to us) topic of a Yenkin-Majestic "entry" of "6,000 drums"—which I immediately questioned as to proportionality and said, "You would be talking about one 300,000 gallons load? It's not possible and not from Yenkin."

Thus your actions--having initiated a direct contact with me, and subsequently introducing a patently false characterization of numbers, which you then elected to take up at a public meeting—while making no reference to the serious dissent I voiced to you about such numbers--and your not having attempted to check the entry with Mr. Nash—all raise an issue of misrepresentation and severe damage to our Company.

As previously noted, we had alerted Mr. Nash to the "Inventory" typographical error, which could lead anyone to erroneously conclude that Yenkin Majestic was a far larger "waste" contributor than would in fact be the case in any element of this proceeding. To the extent that you or the other PRP's intend to rely upon the Dirty Inventory for allocation or other purposes in particular, in light of the vocal comments you were heard to make to the above referenced wide audience, you need to correct for this obvious error as well.

Further, your irresponsible comments on behalf of yourself and Goodyear certainly appear to have been prejudicial to Yenkin's position in these proceedings. Please be on notice that this misrepresentation by you of what was already known can cause irreparable damage to our Company. This also occurs in regard to any way you may have adversely affected our Company's ability to receive fair treatment for objectives of the EPA in the context of these proceedings. Please advise how you are remedying your remarks.

Sincerely yours,

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Merom Brachman
President

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c: Mr. Thomas Nash, Esq., EPA Region V

P.S. Mail from a Mr. Schnell to Site Parties says you will be out of your office until late July. We will call, and if this information is correct, will ask that someone in authority at your office give attention to this letter, as we don't want your maligning to go unnoted in extended absence.